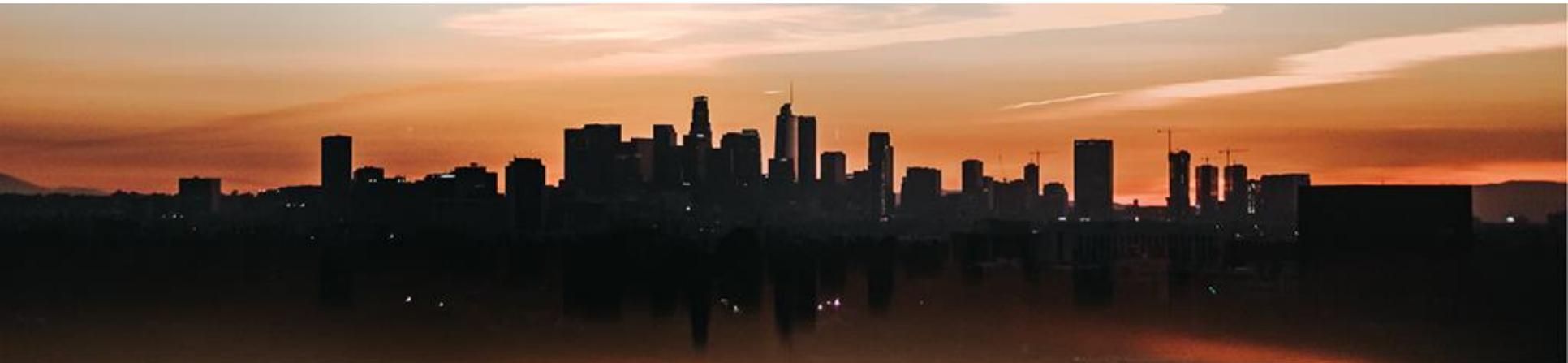


Global Litigation and Ultra-High-Net-Worth Individuals: Unique Challenges and Strategic Opportunities

Session 2

May 6, 2020



OPENING REMARKS



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OVERVIEW OF VIRTUAL PANEL SERIES

All sessions will take place at 9am EDT/AST, 11am BRT/ART, 2pm BST, 5pm IST, 9pm HKT/CST

Session 2: Family Disputes, Trusts & Estates Litigation and Civil Fraud (May 6)	Session 3: White-Collar Criminal Charges and Sanctions (May 7)	Session 4: Open Discussion and Debate on Panel Topics (May 12)
<p>Moderator: John D. Couriel (Kobre & Kim, USA)</p> <p>Panelists: Peter-Tyers Smith (Kobre & Kim, Cayman)</p> <p>Mark Harper (Hughes Fowler Carruthers, UK)</p> <p>Jonathan Speck (Mourant, Jersey)</p> <p>Sandrine Giroud (LALIVE, Switzerland)</p>	<p>Moderator: Robin Rathmell (Kobre & Kim, USA / UK)</p> <p>Panelists: Sean Buckley (Kobre & Kim, USA)</p> <p>Polly Wilkins (Kobre & Kim, UK)</p> <p>Saverio Lembo (Bär & Karrer, Switzerland)</p> <p>Sophie Barrett-Brown (Laura Devine Immigration, UK)</p>	<p>Moderator: Hosted by Kobre & Kim on Zoom</p> <p>Participants: Up to 25 participants per breakout room to discuss the topics covered during the series of panel sessions</p>

INTERNATIONAL PRIVATE CLIENT LITIGATION

International Private Client (“**IPC**”) litigation is an integrated offering **aimed at high- and ultra-high-net-worth individuals** who are in need of counsel **to handle global litigation scenarios affecting assets, liberty and reputation**. It can operate **defensively and offensively**.

Requires cohesive strategies with the IPC’s professional advisors in cross-border matters involving a diverse sets of legal issues.

SPECTRUM OF IPC LITIGATION (CONTIN.)

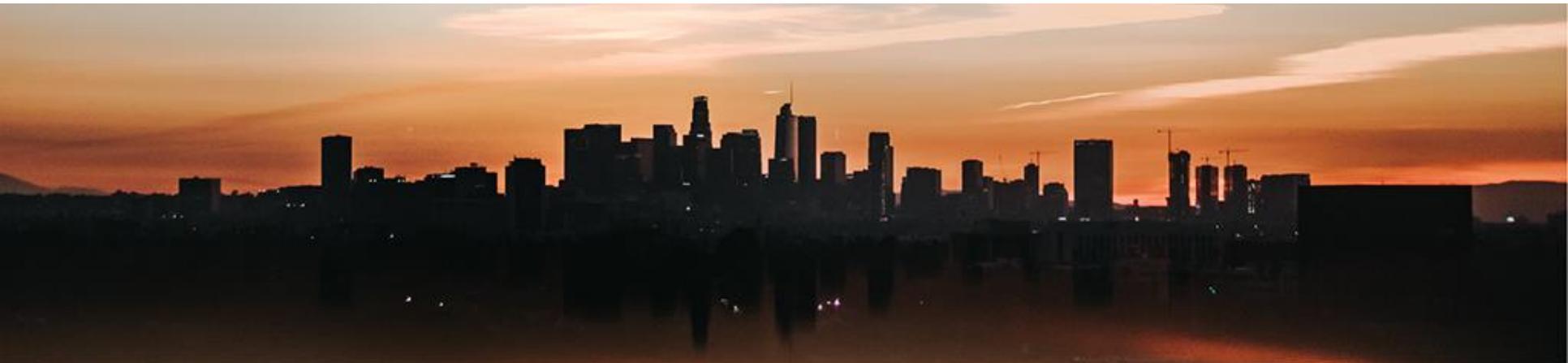
- 10-Point Spectrum
- Impact on the IPC and their business interests can ramp-up quickly



International Private Client Virtual Panel Sessions

Family Disputes, Trusts & Estates Litigation and Civil Fraud

May 6, 2020



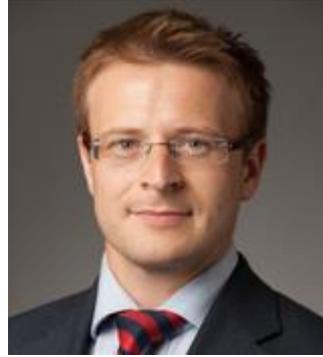
PANELISTS



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OBJECTIVES

This panel will:

- Review a chronology of common “trigger points” that may arise in intra-family and/or civil fraud disputes implicating International Private Clients (“IPCs”);
- Analyze a detailed case scenario that may illustrate some of these common trigger points and legal issues; and
- Advise on their experiences with and approaches to handling conflicts unique to T&E litigation, including:
 - Addressing legal challenges arising from intra-family grievances such as divorce or conflicts between heirs;
 - Navigating jurisdictional issues in estate planning; and
 - Handling reputational concerns due to increased media coverage of high-net-worth (“HNW”) family disputes

CHRONOLOGY

Pre-Action Stage

- No intra-family wealth and/or commercial disputes involving client
- Client has developed and employed various wealth planning structures, including establishing trusts and appointing trustees to safeguard liquid, commercial, and real property assets, in multiple jurisdictions throughout the globe

Anticipated Action Stage

- Settlor of trust structure begins undertaking transfers and/or restructuring assets without clear reason
- Matrimonial acrimony arises between client and spouse, signaling divorce
- Beneficiaries of trust structures (e.g., client's heirs) raise discontent with arrangements, signaling challenges to trusts
- Damaging public reports are released identifying client, signaling investigations and/or civil litigation from business partners and/or investors

Action Stage

- Intra-family wealth dispute (e.g., matrimonial, inheritance) initiated
- Civil fraud proceedings (e.g., contractual, shareholder, unjust enrichment) initiated
- Client is in need of asset forfeiture defense (including of trust assets), insolvency defense, and general crisis management and reputational defense

Post-Action Stage

- Getting back to business as usual
- Scenario plan for worst case scenarios
- Reputation rebuild

HYPOTHETICAL CASE SCENARIO

- Spouse 1, a billionaire entrepreneur, has been married to Spouse 2 for nearly 30 years. Throughout their marriage, the couple has purchased personal property worth tens of millions of dollars, including a desert retreat in Arizona, a London penthouse and a villa in Tuscany.
- It had been Spouse 2's understanding that these properties, along with a multitude of other assets – including personal accounts, commercial interests, and corporate shares – were held in various trust structures for which Spouse 2 (and the adult children of Spouse 1 from a prior marriage) were beneficiaries.
- After Spouse 1 was photographed with a young paramour, Spouse 2 initiates divorce proceedings, and – following discovery – alleges that Spouse 1 had directed the restructuring of numerous trusts such that, among other acts, Spouse 2 was removed as a beneficiary and the trusts themselves were transferred to various foreign and offshore jurisdictions, such as the Cayman Islands, Jersey and Belize.
- Meanwhile, additional developments have arisen as the divorce proceeding has become public, including:
 - Several of Spouse 1's adult children realize that they too have been removed as beneficiaries of the trusts; and
 - A business partner of Spouse 1 has learned that Spouse 1 placed improperly declared dividends of a 50-50 joint venture into a trust.

DISCUSSION TOPICS

- Measures for trust structuring (or restructuring) that may be undertaken for the purposes of estate planning and asset protection
- Navigating inter-jurisdictional issues arising from trust disputes
- Civil fraud actions stemming from intra-family disputes
- Reputational impact on HNW clients
- Current and future legal landscape in the time of COVID-19

Questions?